

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against PETER JAMES NICKITAS,  
a Minnesota Attorney,  
Registration No. 212313.  
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**STIPULATION FOR DISPENSING  
WITH PANEL PROCEEDINGS,  
FOR FILING PETITION FOR  
DISCIPLINARY ACTION,  
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Peter James Nickitas, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.
2. Respondent understands that upon the filing of this stipulation and the petition, this matter will be of public record.

3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing before the Supreme Court upon the record, briefs and arguments. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition which may be summarized as follows:

- a. Respondent's discipline history includes three admonitions.
- b. Respondent engaged in a consensual sexual relationship with a client in violation of Rule 1.8(k), MRPC.
- c. Respondent entered into multiple business transactions with a client without written disclosure of the potential conflicts and without providing for fair and reasonable terms for his client, including receipt of at least \$9,900 in undocumented, interest-free, business and personal loans in violation of Rule 1.8(a), MRPC.
- d. Respondent failed to file a timely appeal of the November 2000 final judgment in a paternity matter and subsequently filed motions previously decided by the unappealed judgment in violation of Rules 1.3 and 3.1, MRPC.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanction the Court will impose.

6. The Director and respondent join in recommending that:

a. The appropriate discipline is a 90-day suspension pursuant to Rule 15, RLPR;

b. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, be waived;

c. Respondent be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

d. Respondent comply with Rule 26, RLPR;

e. Respondent pay \$900 in costs and disbursements pursuant to Rule 24(a), RLPR;

f. Respondent repay his client \$9,900 with interest at the judgment rate for unsecured loans from the client or respondent shall enter into an agreement for repayment of that amount.

g. Respondent be reinstated following the expiration of the suspension provided that at least 15 days before the expiration of the suspension period, respondent files an affidavit with the Clerk of Appellate Courts and the Director's Office establishing that respondent is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court in its decision. If respondent has not fully repaid the unsecured loans by the time he files an affidavit for reinstatement, he shall be placed on indefinite probation the terms of which shall include monthly reports to the Director's Office concerning compliance with the repayment agreement until the obligation is satisfied.


7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation.

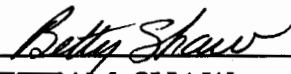
9. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.


Dated: May 17, 2005.

  
KENNETH L. JORGENSEN  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 159463  
1500 Landmark Towers  
345 St. Peter Street  
St. Paul, MN 55102-1218  
(651) 296-3952

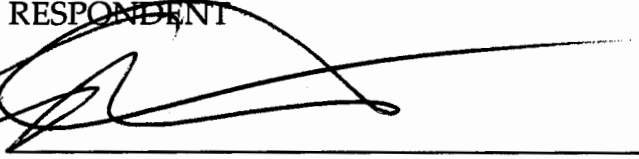
Dated: May 17, 2005.

  
BETTY M. SHAW  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 130904

Dated: JUNE 13, 2005.

  
PETER JAMES NICKITAS  
RESPONDENT

Dated: June 13, 2005.

  
EDWARD F. KAUTZER  
ATTORNEY FOR RESPONDENT  
Attorney No. 54112  
Suite 510, Spruce Tree Centre  
1600 University Avenue West  
St. Paul, MN 55104-3829